

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,)	CV. NO. 04-00743 DAE-LEK
)	
Petitioner,)	
)	
vs.)	
)	
IWALANI D. WHITE, Interim)	
Director, State of Hawaii,)	
Department of Public Safety,)	
)	
Respondent.)	
)	

**ORDER STRIKING EVIDENTIARY HEARING
WITHOUT PREJUDICE AS UNRIPE**

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. On November 29, 2006, an evidentiary hearing was set for April 26, 2007. Thereafter, Petitioner and Respondent¹ filed the appropriate briefs regarding the evidentiary hearing. Per an Order dated February 6, 2007 (“February 6, 2007 Order”), this Court vacated Magistrate Judge Kobayashi’s June 14, 2006 Order Granting Motion for Leave to Conduct Discovery and vacated the Magistrate Judge’s September 11, 2006 Order Denying Respondents’ Motion to Reconsider Magistrate Judge’s June 14, 2006 Order. In the February 6, 2007

¹ Respondent Richard Bissen, Acting Director, is replaced with Respondent Iwalani D. White, Interim Director pursuant to Fed. R. Civ. P. 25(a)(1).

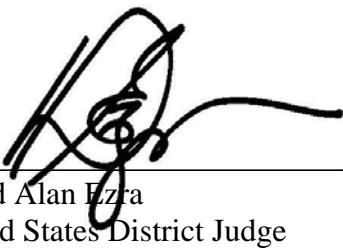
Order, the Court remanded this case for the Magistrate Judge to make conclusive determinations concerning the exhaustion of all claims. Until such a determination is made, an evidentiary hearing may not be held because such a hearing would be unripe. Accordingly, this Court STRIKES the evidentiary hearing WITHOUT PREJUDICE as unripe.

CONCLUSION

For the reasons stated above, this Court STRIKES the evidentiary hearing WITHOUT PREJUDICE as unripe.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 9, 2007.



David Alan Ezra
United States District Judge

Taryn Christian vs. Iwalani D. White, Civil No. 04-00743 DAE-LEK; ORDER STRIKING EVIDENTIARY HEARING WITHOUT PREJUDICE AS UNRIPE